

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CWP No. 22937 of 2014
Date of Decision: 08.03.2017

MOHAN SINGH

...Petitioner

VS.

STATE OF PUNJAB AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH.

Present: Mr. Mukesh Arora, Advocate,
for Mr. Puran Chand Arora, Advocate,
for the petitioner.

Mr. Nikhil Chopra, Addl. A.G., Punjab

KULDIP SINGH, J (ORAL)

The reply by way of counter affidavit of Sh. Gurpal Singh Sarowa, Superintendent, District Jail Nabha, District Patiala, on behalf of respondent Nos. 1 to 3 has been filed in the Court today. The same is taken on record.

The petitioner has preferred this writ petition under Article 226/227 of the Constitution of India praying for issuance of writ in the nature of mandamus for directing respondents for release of interest on delayed payment of retiral benefits and arrears of pension of the petitioner.

Brief facts of the present case are that the petitioner, who was working as Senior Assistant in the respondent department, retired from service on 31.08.2008. It comes out that after his retirement, two charge-sheets under Rule 8 of the Punjab Civil Service (Punishment & Appeal) Rules, 1970 were issued against the petitioner which were later on dropped vide order dated 16.02.2014 (*Annexure P-3*) and order dated 10.05.2013 (*Annexure P-4*). During the period the petitioner remained under the effect of

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the aforesaid two charge-sheets, the petitioner was allowed only 90% of the provisional pension, withholding 10% of the pension. His payment of gratuity was also withheld. After the conclusion of the inquiries/charge-sheets on 29.04.2014, gratuity and pension was released to the petitioner. Now, the claim of the petitioner is for interest on the delayed payment of gratuity as well as on the delayed payment of 10% of the pension withheld by the respondents.

Under Rule 2.2 (b) (3) (c) of the Punjab Civil Service (Punishment & Appeal) Rules, 1970, the gratuity is deemed to have been fallen due when the final orders regarding inquiries are issued by the competent authority. Therefore, from the said date of order, issued by the competent authority dropping the proceedings, the gratuity was paid within time. Therefore, no interest is payable on the gratuity. However, the petitioner is entitled to interest on the delayed payment of 10% of the pension withheld by the respondents.

It being so, the respondents are directed to release the payment of interest @ 9% per annum on the delayed payment of 10% of pension starting three months from the date of retirement till the actual date of payment. The respondents are directed to release the payment of interest within two months from the date of receipt of certified copy of this order.

In view of the above, the writ petition is allowed partly.

March 8, 2017

Suresh Kumar

(KULDIP SINGH)
JUDGE

Whether speaking / reasoned :

✓
Yes / No

Whether Reportable :

✓
Yes / No